

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

JUL 10 2020

Clerk, U S District Court
District Of Montana
Billings

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THEO SUMMERS BUFFALO
BULLTAIL,

Defendant.

Cause No. CR 13-32-BLG-SPW

ORDER

Defendant Bulltail is currently incarcerated at the Dawson County Detention Facility for a state offense. On May 27, 2020, he moved the Court to set a hearing on a pending but sealed petition to revoke his federal supervised release. *See* Mot. for Hr'g (Doc. 73). The Court ordered the United States to clarify Bulltail's situation and indicate when it might proceed. *See* Order (Doc. 74).

In response, the United States reported that it was not aware of any pending detainer, revocation petition, or warrant but was willing to coordinate with the Probation Office to resolve the petition. *See* Resp. to Order (Doc. 75). Consequently, the Court directed the clerk to unseal the petition and directed the United States to take the appropriate steps to resolve it. *See* Order (Doc. 76).

On July 8, 2020, the United States moved to dismiss the petition.

To clarify the record, on December 18, 2013, Bulltail was sentenced to serve 120 months in prison for assaulting a federal officer. That sentence was vacated on appeal. On February 26, 2015, Bulltail was resentenced to serve 60 months in prison. With credit for time served on the original federal sentence, he discharged his federal prison term on February 8, 2018. A three-year term of supervised release is pending but will not commence while he is incarcerated.

Accordingly, IT IS ORDERED:

1. The petition of April 10, 2018 (Doc. 69), is DISMISSED without prejudice to inclusion of the same alleged violations in a future petition alleging one or more further violations.
2. Bulltail's motion for hearing (Doc. 73) is DENIED AS MOOT.
3. No federal action or detainer is pending against Bulltail.

DATED this 10th day of July, 2020.



Susan P. Watters
United States District Court